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BY ECF

Honorable Loretta A. Preska
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Eliezer Lopez, et al. v. City of New York, et al.
17 CV 00181 (LAP)

Your Honor:

This office represents the defendants in the above-referenced action. Defendants write in response to plaintiffs' request that Your Honor reconsider that portion of the Court's October 12, 2018 Order which dismissed plaintiffs' excessive force claim. (ECF No. 36.) Plaintiffs' request should be denied.

Plaintiffs *offered* to withdraw their federal excessive force claim. The Court *accepted* the offer. Now, plaintiffs are trying to back-track. They suggest that their offer was conditional on the case being remanded, and that, since the Court retained jurisdiction over plaintiffs' state law claims, their excessive force claim should be reinstated. An attorney's after-the-fact regret about pursuing a litigation strategy that did not prove successful is not now—and has never been—a basis for reconsideration of a court's decision. Moreover, plaintiffs' counsel have not set forth any "matters or controlling decisions" which they believe the Court overlooked, which is required for reconsideration pursuant to Local Civil Rule 6.3.

Defendants therefore respectfully request that the Court deny plaintiff's request for reconsideration of the October 12, 2018 Order. Thank you for your consideration of this matter.

Respectfully submitted,

/s
Rachel Seligman Weiss
Senior Counsel

cc: All counsel (by ECF)